

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

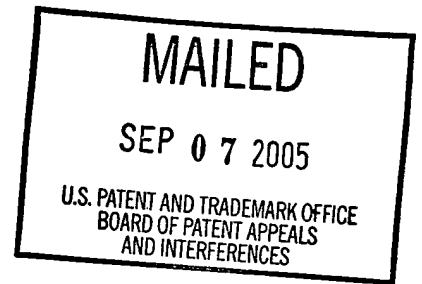
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CYNTHIA S. BELL

Appeal No. 2005-2217
Application No. 09/524,029

ON BRIEF



Before HAIRSTON, KRASS and NAPPI, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

REMAND TO THE EXAMINER

We hereby remand this application to the examiner for action based upon the issue addressed below.

According to the appellant (brief, page 1), claims 1 through 3, 5 through 17 and 21 through 23 are of record and stand rejected. The examiner lists the same claims in the grouping of the claims (answer, page 2), but in the grounds of rejection (answer, page 2) only lists claims 1, 8, 21 and 22. For an explanation of the grounds of rejection, the examiner

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directs the reader's attention to a prior Office Action (paper number 5). In the noted Office Action, we find that claims 1 through 3, 5 through 17 and 21 through 23 are rejected. The reply brief only responded to the four claims mentioned in the answer.

Based upon the record before us, we do not know with certainty which claims are before us on appeal. If the rejections of claims 2, 3, 5 through 7, 9 through 17 and 23 have been withdrawn, then the record should reflect the status of those claims. Thus, the examiner should clearly set forth the grounds of rejection for each of the claims on appeal.

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This application, by virtue of its "special" status requires immediate action. See Manual of Patent Examining Procedure (MPEP) § 708.01 (8th Ed., Rev. 1, Feb. 2003). It is important that the Board be informed promptly of any action affecting the appeal in this application.

REMANDED


KENNETH W. HAIRSTON
Administrative Patent Judge


ERROL A. KRASS
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES


ROBERT E. NAPPI
Administrative Patent Judge

KWH: hh

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